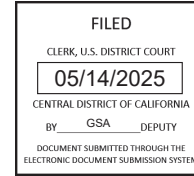


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In Propria Persona



**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S OPPOSITION AND NOTICE
OF QUALIFIED RESPONSE TO STATE
BAR'S OPPOSITION (DOCKET 308);
DECLARATION OF TODD R.G. HILL IN
SUPPORT OF RULE 59(e) MOTION AND
OPPOSITION TO DOCKET 308**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S OPPOSITION AND NOTICE OF QUALIFIED RESPONSE TO STATE BAR'S OPPOSITION
(DOCKET 308)**

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PLAINTIFF’S OPPOSITION AND NOTICE OF QUALIFIED RESPONSE TO STATE BAR’S OPPOSITION (DOCKET 308)

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff Todd R.G. Hill respectfully submits the following supplemental argument in reply to Docket 308, the State Bar defendants’ unauthorized post-dismissal opposition to Plaintiff’s Rule 59(e) motion. The filing, while procedurally improper, reveals a number of significant inferences, concessions, and omissions that reinforce Plaintiff’s core arguments in support of relief.

While the State Bar argues that Plaintiff’s Rule 59(e) motion is procedurally premature due to the absence of a separate Rule 58 judgment, this contention ignores the Court’s own treatment of its April 25, 2025 Reconsideration Order as functionally dispositive. The Court issued that order without granting further leave to amend and without scheduling further proceedings, thereby signaling procedural finality in both form and function. Federal courts routinely treat such orders as final where, as here, the practical effect is to terminate the plaintiff’s claims with prejudice and foreclose further amendment. To now argue that no final judgment exists, while relying on the finality of dismissal to bar Plaintiff’s relief, reflects a formalistic inconsistency that undermines the integrity of the post-judgment process. Plaintiff’s Rule 59(e) motion is not premature; it is a necessary vehicle to challenge a procedurally closed outcome that rests on an incomplete and selectively curated record.

They argue that the February 25, 2025 email is “immaterial” because it post-dates their dismissal, yet simultaneously claim that Plaintiff’s arguments must be rejected for lack of support in the pre-dismissal record. You cannot simultaneously insist that the Court ignore new materials and dismiss Plaintiff’s motion because he failed to include those same materials earlier, particularly where the

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1 record shows they were submitted but delayed in docketing (e.g., EDSS confirmations for April 22).
2 This logic is circular and unsustainable. It confirms that the record was shaped by procedural
3 omission, not full adversarial engagement.
4

5 Notably, the email is not submitted as a new cause of action, but as evidence of factual
6 contradiction, regulatory misrepresentation, and the material incompleteness of the record at the time
7 judgment was entered. Under Rule 59(e), such use is both proper and necessary where the record
8 demonstrates that dispositive rulings were rendered while authorized and relevant submissions
9 remained undocketed.
10

11 The State Bar is opposing a Rule 59(e) motion that explicitly identifies the suppression of
12 material evidence (e.g., surreply, evidentiary filings, pending FRE 201 motions), yet their own
13 participation helps sustain the suppression by refusing to engage with that material.
14

15 Any ruling that adopts Docket 308's logic effectively validates suppression of authorized filings,
16 upholds unauthorized post-dismissal participation, and confirms that certain litigants retain access not
17 by right, but by institutional privilege.
18

19
20 **I. UNAUTHORIZED FILING BY DISMISSED PARTY CONFIRMS PROCEDURAL**
21 **ASYMMETRY**

22 The State Bar insists Plaintiff's motion must be denied because judgment is final, yet they
23 reappear post-dismissal without leave to participate in motion practice. This contradiction is
24 dispositive: if judgment is final, they lack standing. If judgment is not final, Plaintiff's Rule 59(e)
25 motion is procedurally proper. Their own filing creates the condition that invalidates their objection.
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(DOCKET 308)

1 Docket 308 was filed by the State Bar defendants despite their dismissal with prejudice under
2 Docket 248. The filing offers no motion for reinstatement, no Rule 60(b) request for relief, and no
3 explanation for post-dismissal participation. This procedural irregularity—unauthorized participation
4 by a non-party—directly supports Plaintiff’s argument that this case has been administered with a
5 pattern of institutional leniency favoring the State Bar and associated defendants. In contrast,
6 Plaintiff’s filings, including Court-authorized submissions, have been delayed or excluded until
7 procedural objections were lodged. The Court’s docketing of this unauthorized filing without
8 apparent scrutiny only confirms the asymmetrical treatment Plaintiff seeks to correct.
9

10 **II. REGULATORY STATUS DOES NOT CONFER POST-DISMISSAL STANDING**

11 The State Bar conflates its role as a regulatory body with its prior status as a party to this
12 litigation. But once dismissed with prejudice, it no longer retains standing to participate absent
13 reinstatement. Their filing reflects an improper attempt to leverage public authority to sustain
14 litigation influence, without following the rules that bind all litigants.
15

16 Once dismissed with prejudice, defendants are litigants, not regulators. Their former status does
17 not entitle them to continued participation absent a formal request for reinstatement. Their filing
18 reflects a false conflation between institutional authority and party standing. Courts do not permit
19 dismissed parties to “hover” above litigation and reengage at will.
20

21 That a party may reenter proceedings post-dismissal while ignoring proper procedure illustrates
22 the procedural asymmetry and structural deficiencies Plaintiff seeks to correct.
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1 **III. STATE BAR’S FAILURE TO CITE CONTROLLING PROCEDURAL**
2 **AUTHORITY UNDERSCORES LACK OF STANDING**

3 Docket 308 fails to identify a single procedural mechanism, such as a motion for
4 reinstatement, leave to intervene, or even Rule 60(b), that would permit post-dismissal filings by
5 parties dismissed with prejudice. The omission is not just technical; it confirms that the State Bar is
6 proceeding outside the bounds of procedural legitimacy. This Court has already entered judgment
7 against the State Bar Defendants via dismissal with prejudice (Docket 248), which under Ninth
8 Circuit precedent constitutes a final judgment as to those parties. Their continued participation in
9 motion practice without a valid jurisdictional hook only further underscores the procedural imbalance
10 animating Plaintiff’s Rule 59(e) motion.
11

12
13 **IV. STATE BAR’S POSITION CONTRADICTS EXHIBITS IN DOCKET 298**

14 Plaintiff’s Exhibit A in Docket 298 contains a May 2025 internal memorandum from State
15 Bar leadership explicitly acknowledging statistical disparities, administrative failures, and efforts to
16 expand non-scoring remediation pathways for applicants affected by the February 2025 exam. That
17 memo directly undermines the State Bar’s claim in Docket 308 that Plaintiff’s eligibility concerns or
18 broader institutional claims lack factual grounding. The attempt to argue immateriality in light of its
19 own admissions is not merely disingenuous, it strongly infers bad faith because the State Bar cannot
20 plausibly deny the relevance of evidence it internally generated, circulated, and relied upon to justify
21 policy reconsideration—particularly when that evidence directly confirms the very structural
22 inequities and administrative failures Plaintiff identified before dismissal. To characterize such
23 evidence as immaterial while simultaneously opposing relief on the basis of an incomplete or
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1 unsupported record reflects not only selective engagement but a deliberate effort to shield
2 institutional fault from judicial review.
3

4 **V. MISUSE OF *KHOJA* CONFIRMS IMPORTANCE OF JUDICIAL NOTICE**
5 **RULINGS**

6 The State Bar's reliance on *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988 (9th Cir.
7 2018), is misplaced. Plaintiff's Rule 59(e) motion does not seek to convert a 12(b)(6) motion to
8 summary judgment. Rather, it addresses **judicial notice rulings that were untimely or never made,**
9 **authorized rebuttals that were delayed,** and **record omissions that preclude fair review.** *Khoja*
10 cautions courts against selectively admitting extrinsic materials in a manner that distorts the factual
11 basis of dispositive rulings. That is exactly what occurred here and Plaintiff's motion seeks to cure it.
12

13 The State Bar cites *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988 (9th Cir. 2018), to
14 suggest the Court should not consider external documents such as the February 25 email. But *Khoja*
15 affirms the importance of consistent and transparent evidentiary rulings, particularly concerning
16 judicial notice. It cautions against selective consideration of documents that could distort the record.
17 Here, Plaintiff's unopposed motions for judicial notice (Dockets 197 and 199) have remained
18 pending for over five months. The failure to address those motions, while citing *Khoja*, only
19 underscores the selective evidentiary treatment the Ninth Circuit has condemned.
20
21

22 **VI. THE EMAIL IS MATERIAL TO THE CORE CLAIMS AND DEMONSTRATES**
23 **PROCEDURAL INJUSTICE**

24 Contrary to the State Bar's assertion, the email does not simply reference "technical
25 difficulties" on the bar exam. When viewed in the context of Docket 298, the email is one component
26 of a broader institutional record that now includes Exhibit A: a May 9, 2025 internal memorandum
27 from the Office of Admissions and Chief of Admissions Donna Hershkowitz, acknowledging
28

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1 significant and disproportionate harm to examinees, including those who were affected by testing
2 errors, administrative inconsistencies, and bar pathway distortions.

3
4 That memorandum outlines:

5 a. The highest February pass rate in decades due to score imputation and bar
6 exam irregularities;

7
8 b. The formal recommendation of non-scoring remediation measures, including
9 special admissions, for impacted February 2025 applicants;

10 c. Explicit recognition of systematic disparities that match the protected
11 categories raised in Plaintiff's TAC;

12
13 d. Confirmation of a backward-looking review of eligibility determinations and
14 their adverse effects on bar candidates, including those like Plaintiff who challenged the State
15 Bar's determinations pre-exam.

16
17 The State Bar cannot simultaneously claim this record is irrelevant while proposing
18 remediation for the very cohort to which Plaintiff belongs. Nor can they plausibly argue that Plaintiff
19 failed to link this record to his claims when the Exhibit itself arose from administrative
20 acknowledgment of the exact harms alleged.

21
22 **VII. MATERIALITY CANNOT BE AVOIDED THROUGH ARTIFICIAL**
23 **TEMPORALITY**

24 The State Bar repeatedly argues that because the email existed prior to dismissal, it is not
25 "new" and thus not material. But Rule 59(e) does not limit relief to newly discovered evidence alone.
26 Relief is also warranted for manifest error or procedural irregularity.

27
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1 Local Rule 7-18 of the Central District of California authorizes reconsideration where the
2 Court has made a “manifest showing of a failure to consider material facts presented before the
3 decision.” Here, the material facts in question, most notably the February 25, 2025 email, the May
4 2025 State Bar memorandum, and the subsequently delayed docketing of Plaintiff’s Court-authorized
5 surreply, were either timely submitted and suppressed or left unaddressed despite their relevance to
6 the adjudication. Framing the motion squarely under Rule 7-18 reinforces that Plaintiff does not
7 merely seek reconsideration of legal conclusions, but correction of a record distorted by unresolved,
8 ignored, or improperly excluded factual content. The omission of these materials from the Court’s
9 prior rulings constitutes a textbook example of the type of factual oversight that warrants
10 reconsideration under both Rule 59(e) and Local Rule 7-18.
11

12
13
14 Plaintiff submitted the February 25, 2025 email through EDSS on April 22, 2025, before the
15 Court ruled. Any delay in docketing was administrative, not tactical. The State Bar argues that
16 Plaintiff had the email earlier, but fails to account for the fact that the suppression or delay of Court-
17 authorized filings is itself sufficient basis of Plaintiff’s Rule 59(e) motion.
18

19 Importantly, Plaintiff’s motion does not solely rely on the discovery of new facts; it relies in
20 substantial part on the fact that material evidence was not considered before judgment issued, either
21 due to delayed docketing of EDSS-confirmed submissions or due to subsequent availability of new
22 evidence. The Ninth Circuit has held that such omissions, whether intentional or inadvertent, justify
23 post-judgment relief. See *Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011). Here there
24 is omission, subsequent change in circumstance or evidentiary availability, documented procedural
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1 irregularity and support for the conclusion of manifest error. The delayed docketing of the February
2 25 email and the related institutional memorandum meets this standard.

3
4 **VIII. THE BARE ASSERTION OF “UNAUTHENTICATED” EMAIL CONFIRMS**
5 **FACTUAL SENSITIVITY, NOT INADMISSIBILITY**

6 The State Bar does not challenge the authorship, the recipients, or the content of the email,
7 nor has it moved to strike the document. Instead, it seeks to insulate itself by asserting inadmissibility
8 while declining to address the document’s substance, reinforcing that its relevance is both undisputed
9 and damaging to their prior litigation positions. Moreover, Plaintiff’s filing of the email via EDSS on
10 April 22, before the issuance of the Court’s dispositive ruling, makes the delay in docketing a
11 structural, not strategic, omission.

12
13 The State Bar contends the February 25, 2025 email is immaterial because it post-dates their
14 dismissal, while simultaneously arguing Plaintiff’s claims lack support in the pre-dismissal record.
15 This logic is circular and self-defeating. The record shows the email was submitted via EDSS on
16 April 22, before judgment, but was delayed in docketing. Their objection to its “timing” only affirms
17 Plaintiff’s point: the record was not complete when judgment issued.

18
19 Furthermore, the State Bar’s assertion that the February 25, 2025 email is “unauthenticated” is
20 procedurally and legally insufficient. Plaintiff submitted the email with visible metadata, under
21 penalty of perjury, and it has not been challenged via declaration or motion to strike. Under Federal
22 Rule of Evidence 901(a), this satisfies the standard for authentication. The State Bar’s failure to
23 address the substance of the email, while attempting to exclude it on a thin procedural pretext, only
24 reinforces its relevance. The email confirms the factual disputes at the core of this case and illustrates
25 why dismissal before discovery was procedurally and substantively premature. The existence of these
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1 compliance duties further supports Plaintiff's position that factual determinations regarding how
2 these responsibilities were implemented, evaded, or ignored remain unresolved and cannot be
3 adjudicated under Rule 12(b)(6).
4

5
6 **IX. STATE BAR'S EMPHASIS ON ABSENCE OF FINAL JUDGMENT CONFIRMS
PROCEDURAL INCOMPLETENESS**

7 The State Bar argues that Plaintiff's Rule 59(e) motion is premature because no separate Rule
8 58 judgment has been entered. While technically accurate, this admission supports Plaintiff's broader
9 contention: that the record is procedurally incomplete, and yet the Court and Defendants have treated
10 the dismissal as final. That contradiction reinforces the very concern Plaintiff raises—namely, that
11 judgment was entered without procedural closure and against a backdrop of suppressed filings and
12 unresolved motions. Relief is thus warranted under Rule 59(e) or, if necessary, Rule 60(b)(6).
13
14

15 **X. THE SELECTIVE CITATION OF PRECEDENT: OMISSION OF *STUDENTS*
16 *FOR FAIR ADMISSIONS* CONFIRMS INSTITUTIONAL AVOIDANCE**

17 The State Bar's invocation of *Ex parte Young*, 209 U.S. 123 (1908), to oppose Plaintiff's Rule 59(e)
18 motion reflects a selective use of precedent that avoids the substantive constitutional issues raised by
19 Plaintiff and instead relies on a century-old procedural doctrine addressing sovereign immunity in
20 equitable actions. *Ex parte Young* is not dispositive here. Plaintiff is not seeking a new injunction or
21 monetary judgment against the State Bar defendants; rather, he is challenging the procedural integrity
22 of the Court's prior rulings and the continued participation of a party that was dismissed with
23 prejudice. The State Bar's citation is therefore both inapposite and overstated in this context.
24
25

26 More telling is the State Bar's failure to cite or distinguish *Students for Fair Admissions, Inc.*
27 *v. President and Fellows of Harvard College*, 600 U.S. 181 (2023), a decision directly relevant to
28

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1 Plaintiff's underlying claims of discriminatory licensure practices and systemic regulatory inequities.
2
3 In *SFFA*, the Supreme Court held that longstanding institutional policies, even those facially neutral
4 and historically accepted, may not be used to mask structural discrimination or exclude protected
5 groups. The Court emphasized that regulatory actors cannot rely on procedural formalisms or legacy
6 practices to insulate themselves from scrutiny where credible evidence of unequal treatment is
7 presented.
8

9 This is precisely the issue raised in Plaintiff's Rule 59(e) motion and reinforced through the
10 February 25, 2025 email and other supplemental filings: that the State Bar's licensure practices were
11 applied inconsistently and discriminatorily, and that the Court's earlier rulings were rendered on a
12 procedurally incomplete and selectively curated record. The failure to acknowledge or address *SFFA*,
13 a binding and contemporaneous Supreme Court decision, underscores the State Bar's continuing
14 strategy of avoiding direct engagement with the factual and structural claims at the heart of this case.
15

16 Accordingly, the selective citation of precedent in Docket 308 is not a mere oversight, it is an
17 extension of the very procedural asymmetry and institutional deference that Plaintiff's motion seeks
18 to correct.
19

20 **XI. INSTITUTIONAL MOTIVE BEHIND IMPROPER OPPOSITION FILING**

21 The State Bar defendants' submission of Docket 308, despite having been dismissed with
22 prejudice pursuant to Docket 248, reflects not merely a procedural misstep but a deliberate
23 institutional maneuver intended to reassert narrative control, insulate prior misrepresentations, and
24 exploit apparent judicial deference. As a dismissed party with no standing, the State Bar had no legal
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1 obligation and no procedural right to file an opposition to Plaintiff's Rule 59(e) motion. That it did so
2 anyway facially appears to signal perceived risk and strategic intent.
3

4 First, the filing appears designed to preempt the appearance of procedural default. Plaintiff's
5 Rule 59(e) motion raised credible and documented allegations of record suppression, unresolved
6 judicial notice motions, and factual misrepresentation, all of which implicated the State Bar's prior
7 conduct and relevant argumentation in motion practice. Silence in the face of those allegations could
8 reasonably be construed as acquiescence, particularly where the record already reflects asymmetrical
9 treatment between institutional defendants and Plaintiff. Docket 308 attempts to fill that silence with
10 a posture of ongoing resistance, even in the absence of standing.
11
12

13 Second, the State Bar likely filed Docket 308 with the expectation that the Court would
14 tolerate the submission despite its impropriety. Given the Court's prior pattern of accepting
15 procedurally defective or untimely filings from Defendants while delaying or withholding Plaintiff's
16 submissions, the State Bar appears to have calculated that it could influence the outcome without
17 risking rejection or sanctions. If accepted, the filing would allow the State Bar to continue shaping
18 the post-dismissal record while Plaintiff remains held to strict compliance.
19
20

21 Third, the filing reflects internal institutional pressure. As a matter of political optics and
22 reputational preservation, the State Bar could not allow a procedurally sound, factually supported
23 Rule 59(e) motion to stand unopposed, particularly one that incorporates new evidence undermining
24 the legal basis of its prior position on Plaintiff's bar eligibility. Thus, Plaintiff asserts that Docket 308
25 functions as an institutional hedge: a procedurally unauthorized but politically "necessary"
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1 submission, intended more to preserve internal and external image than to advance a defensible legal
2 position.
3

4 Accordingly, Docket 308 should be disregarded or stricken as procedurally unauthorized. Its
5 filing, rather than undermining Plaintiff's motion, reinforces the core thesis of structural imbalance
6 and institutional deference that animates and renders gravitas to the request for relief.
7

8 **XII. PROCEDURAL AMBIGUITY AND UNAUTHORIZED PARTICIPATION HAVE**
9 **FURTHER PREJUDICED PLAINTIFF AND DISTORTED JUDICIAL**
10 **ASSESSMENT**

11 The procedural ambiguity created by the Court's tolerance of unauthorized filings—
12 particularly Docket 308—has further prejudiced Plaintiff and materially burdened the fair
13 adjudication of his claims. Plaintiff has complied at every stage with applicable procedural rules,
14 obtained Court authorization when required (e.g., Docket 289), and timely submitted filings under
15 EDSS, including those that were delayed or suppressed from the docket. In contrast, the State Bar
16 defendants, having been dismissed with prejudice, now continue to file oppositions without standing,
17 without leave, and without judicial rebuke.
18

19 This asymmetry has not been merely formal—it has impaired Plaintiff's ability to obtain a
20 clean and neutral assessment of his Rule 59(e) motion. The very question before the Court is whether
21 prior rulings were issued on an incomplete or selectively curated record. The continued participation
22 of dismissed defendants in the shaping of post-judgment proceedings—without procedural
23 accountability—only magnifies the structural imbalance Plaintiff has documented.
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1 Moreover, the Court’s silence in response to these irregularities invites further unauthorized
2 conduct and creates a litigation environment in which rules appear selectively enforced. Plaintiff has
3 been required not only to prosecute his claims but also to continually defend the procedural
4 legitimacy of his filings in a context where institutional defendants are afforded latitude to reengage
5 after dismissal. This imbalance has burdened Plaintiff’s motion practice, diluted the clarity of
6 adversarial positions, and undermined the integrity of the adjudicative process itself.
7

8 For these reasons, Plaintiff respectfully reiterates that relief under Rule 59(e) is both
9 procedurally justified and necessary to preserve the fundamental principles of fairness and neutrality
10 to which all litigants are entitled.
11

12 **XIII. CANDOR, SELECTIVE NOTICE, AND STRUCTURAL FAIRNESS**

13 State Bar’s oppositional filing at Docket 308 omits material context under the same regulatory
14 framework that impose duties of candor. When viewed against the broader record, including the the
15 subject emails highlighted in Plaintiff’s surreply (See Docket 306, Exhibits A–E) and the motion at
16 issue, these omissions do not appear inadvertent, but aligned with a continuing pattern of selective
17 disclosure and narrow procedural positioning.
18

19 It is a general presumption that the California State Bar and its representatives are to be held to
20 the highest standards of candor toward the tribunal. Selective citation and the intentional calling into
21 question of email evidence that was sourced from their own office strains both the credibility of their
22 arguments and calls into question the good faith of institutional participants.
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1 Plaintiff cannot locate caselaw citations or statutes indicating that attorney conduct standards are
2 lessened in the pro se civil context. Defendants should not be allowed to make statements that
3 mischaracterize or misrepresent factual circumstances.
4

5 Plaintiff respectfully notes that this is not an isolated concern. The procedural record reflects a
6 broader pattern in which judicial discretion appears to have been exercised disproportionately in
7 favor of defendants advancing selective or incomplete arguments, while Plaintiff's well-supported
8 filings, some containing judicially noticed regulations, others containing direct evidence, have been
9 delayed in docketing or reviewed only in part.
10
11

12 This structural imbalance, if not corrected, gives rise to the appearance of procedural irregularity
13 and selective deference inconsistent with principles of due process. Plaintiff preserves all objections
14 for the record, including the right to seek appellate review of procedural and substantive rulings that
15 give facial appearance to systemic preference or disregard for material rebuttal.
16

17 Defendant's should not be able to avoid the procedural consequences that consistent lack of
18 candor entails under the auspices of zealous defense.
19

20 **XIV. JUDICIAL INFLECTION POINT: SUPPRESSION OR RESTORATION OF**
21 **PROCEDURAL INTEGRITY**

22 Plaintiff respectfully submits that the present posture of this matter places the Court at a
23 procedural inflection point: whether to reinforce the integrity of the adjudicative process by
24 acknowledging and addressing the irregularities identified herein, or to allow the record to remain
25 incomplete and procedurally compromised through omission or selective engagement.
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1 The record now reflects several material concerns:

2 (1) the delayed docketing of Plaintiff's timely, Court-authorized filings submitted through

3 EDSS, including the surreply authorized by Docket 289;

4 (2) the failure to adjudicate Plaintiff's unopposed motions for judicial notice (Dockets 197
5 and 199), each addressing documents central to the claims at issue; and

6 (3) the post-dismissal participation of the State Bar defendants (Docket 308), filed without
7 leave and contrary to their dismissal with prejudice.
8

9
10 Plaintiff has preserved these issues with specificity, supported by internal tracking records,
11 references to the Court's own orders, and timely procedural objections (see, e.g., Docket 306). These
12 are not speculative or rhetorical concerns; they are documented in the Court's docket and impact the
13 completeness and fairness of the adjudicative process.
14
15

16 If the Court rules without directly engaging these irregularities, the result will raise not only
17 questions of fairness but of procedural finality and structural integrity. A decision rendered without
18 accounting for withheld filings, pending evidentiary motions, or unauthorized post-dismissal
19 advocacy would be subject to challenge under Federal Rule of Civil Procedure 60(b)(1), (2), and (6),
20 and may raise concerns under broader standards governing the appearance of impartial adjudication.
21
22

23 Conversely, should the Court elect to acknowledge and correct these matters—by clarifying
24 the record, addressing suppressed submissions, and ensuring that only properly authorized parties
25 participate—it will reaffirm the principles of procedural regularity and transparency required by both
26 the Federal Rules and due process.
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**PLAINTIFF'S OPPOSITION AND NOTICE OF QUALIFIED RESPONSE TO STATE BAR'S OPPOSITION
(DOCKET 308)**

CASE 2:23-CV-01298-JLS-BFM

1 This submission is not intended as criticism, but as a respectful and necessary preservation of
2 Plaintiff's objections and procedural rights. At stake is not merely the outcome of this motion, but the
3 credibility of the process by which it is resolved.
4

5
6 **XV. PROCEDURAL PRESERVATION AND OBJECTIONS**

7 Plaintiff hereby preserves all objections under Federal Rules of Civil Procedure 59(e) and
8 60(b), including but not limited to grounds of procedural irregularity, newly discovered evidence,
9 manifest error of fact or law, and conduct that undermines the integrity of the judicial process.
10 Plaintiff further objects to the continued post-dismissal participation of the State Bar defendants
11 without leave of court and without standing, as well as to the Court's prior failure to resolve
12 unopposed judicial notice motions or to timely docket filings submitted through EDSS.
13

14 To the extent that any reply brief, order, or ruling incorporates or relies upon post-dismissal
15 submissions such as Docket 308, Plaintiff reserves the right to seek reconsideration or further relief to
16 prevent prejudice stemming from unauthorized advocacy and asymmetrical docketing treatment.
17 Plaintiff further objects to any implied acceptance of procedural finality that fails to acknowledge the
18 delayed or suppressed filings identified in Docket 305 (Court-authorized surreply), Docket 298
19 (judicial notice and evidentiary exhibits), and Docket 306 (procedural preservation notice).
20

21 Accordingly, Plaintiff respectfully requests that the Court limit its consideration of any reply
22 filings to the evidentiary and procedural record that existed at the time of judgment, as clarified and
23 supplemented by the Court's own authorization under Docket 289. Should Defendants raise any new
24 arguments or factual positions in further reply, Plaintiff requests leave to respond under Rule 15(d) or
25 pursuant to the Court's inherent authority to ensure a complete and fair record.
26
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XVI. CONCLUSION

For the foregoing reasons, Plaintiff respectfully renews his request for relief under Rule 59(e), or in the alternative, reserves his right to seek relief under Rule 60(b). While the State Bar argues that Plaintiff's Rule 59(e) motion is procedurally premature due to the absence of a separate Rule 58 judgment, this contention ignores the Court's own treatment of its April 25, 2025 Reconsideration Order as functionally dispositive. As stated above, the Court issued that order without granting further leave to amend and without scheduling further proceedings, thereby signaling procedural finality in both form and function. Federal courts routinely treat such orders as final where, as here, the practical effect is to terminate the plaintiff's claims with prejudice and foreclose further amendment. The record reflects a pattern of delayed docketing, unresolved evidentiary motions, and unauthorized post-dismissal participation by institutional defendants, all of which have materially impaired Plaintiff's ability to secure an impartial and procedurally complete adjudication. The Court's willingness to address, or refusal to acknowledge, these issues will bear directly on the appearance of fairness, the credibility of the ruling, and the preservation of appellate rights.

Plaintiff does not ask for favored treatment. He asks only for the same procedural fairness that institutional defendants have been repeatedly afforded throughout these proceedings.

Respectfully submitted,

Dated: May 14, 2025



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(DOCKET 308)**

CASE 2:23-CV-01298-JLS-BFM

1 Todd R. G. Hill
2 Plaintiff, Pro Se
3

4 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

5
6 The undersigned party certifies that this brief contains 4,289 words, which complies with the 7,000-
7 word limit of L.R. 11-6.1.

8 Respectfully submitted,

9 
10
11

12 May 14, 2025
13 Todd R.G. Hill
14 Plaintiff, in Propria Persona
15

16 **Plaintiff's Proof of Service**

17 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
18 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
19 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
20 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
21 and (2) all pro se parties who have been granted leave to file documents electronically in the case
22 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
23 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
24 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
25 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
26
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**PLAINTIFF'S OPPOSITION AND NOTICE OF QUALIFIED RESPONSE TO STATE BAR'S OPPOSITION
(DOCKET 308)**

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1 Respectfully submitted,

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4

5 May 14, 2025

6 Todd R.G. Hill

7 Plaintiff, in Propria Persona
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**PLAINTIFF'S OPPOSITION AND NOTICE OF QUALIFIED RESPONSE TO STATE BAR'S OPPOSITION
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**DECLARATION OF TODD R.G. HILL IN SUPPORT OF RULE 59(e) MOTION AND
OPPOSITION TO DOCKET 308**

I, Todd R.G. Hill, declare and state as follows:

1. I am the Plaintiff in the above-captioned action. I make this declaration based on my personal knowledge, and if called upon as a witness, I could and would competently testify to the truth of the matters stated herein.
2. On February 25, 2025, I received an email from a representative of the State Bar of California, specifically from the Office of Admissions. A true and correct copy of that email is attached as Exhibit A to my prior submission in Docket 298.
3. The email confirms that I was deemed eligible to sit for the February 2025 California Bar Exam and references concerns related to administrative or technical issues affecting examinees, including myself, during that administration.
4. I submitted this email to the Court through the EDSS system on April 22, 2025, prior to the Court's April 25, 2025 ruling on my motion for reconsideration. At the time of submission, I included all original metadata embedded in the PDF and confirmed the transmission was successful via EDSS tracking confirmation.
5. To the best of my knowledge, the document has not been altered and remains in its original form, with the exception of the State Bar logo that does not appear at the top of the saved PDF. I submitted it as part of a larger set of evidentiary materials to correct and supplement the record previously used to adjudicate the dismissal of my claims.

**PLAINTIFF'S OPPOSITION AND NOTICE OF QUALIFIED RESPONSE TO STATE BAR'S OPPOSITION
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1 6. I did not withhold this email from the Court. It's presentation was timely made to rebut
2 assertions made by State Bar and Defendant Spiro. Its delayed docketing was administrative
3 in nature and outside my control. I have preserved all relevant procedural confirmations
4 documenting the timing of my filing.
5

6 7. I respectfully submit that the email and accompanying materials are material to the issues
7 before the Court and are offered not as newly discovered evidence, but as part of a record that
8 was procedurally suppressed or ignored at the time dispositive rulings were issued or
9 otherwise relevant for the appropriate adjudication of claims.
10

11 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
12 true and correct.
13

14 Executed on May 14, 2025, in Maui, HI.

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18 Todd R.G. Hill

19 Plaintiff, Pro Se
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